REMARKS

Reconsideration and allowance of the above-identified application is respectfully requested in light of the above amendments and the following remarks.

To briefly summarize, the present invention is directed to a material examining or testing device wherein a pulse generated by a hammer striking a pin which is embedded in the material, or by an electrical generator, is evaluated by one or more sensors which are secured to the material. From an analysis of the time required for the pulse to reach each sensor, important conclusions can be drawn with respect to the quality of the material.

As an important aspect of the invention, the pulse sensor 3 and an electronic evaluation device 4 are integrated in a unitary structure, note Fig. 2. This permits the pulse evaluation to be effected at the sensor with minimal communication paths and hence minimal electromagnetic interference.

In the Official Action, Claims 30-52 were rejected as being anticipated by Wilson '172. The Wilson patent discloses a device for examining materials comprising a pulse generator, at least one sensor and an electronic evaluation device for discriminating the pulse from interfering pulses. The electronic evaluation device is provided by a computer 12 which is connected to the sensor 24 and accelerometers 26, 28 and 30 via transmission wires. According to Wilson, note column 5, lines 53 to 59, "The accelerometers 26, 28 and 30 output analog data that is digitized, collected and stored by computer 12. The digitized data reflects the response of the material to the vibrational energy in terms of force and acceleration. Computer 12 then performs a transfer function

analysis on the digitized data based on the force and acceleration data collected".

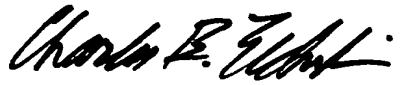
In other words all analog output data of sensor 24 and accelerometers 26, 28 and 30 are collected by computer 12 via transmission wires. The electronic evaluation and discrimination of the pulse is performed by the computer 12 which separated from sensor 24 and accelerometers 26, 28 and 30 by transmission wires.

Thus in the device of Wilson, the electronic evaluation device, i.e. the computer 12, is not positioned so as to be integrated in a unitary structure with each sensor 24. Accordingly, the Wilson patent clearly differs from the claimed construction as set forth in base Claim 30. The transmission of analog output data from sensor 24 and accelerometers 26, 28 and 30 via transmission wires to computer 12 which serves as an evaluation device can suffer electromagnetic interference, which is avoided with the present invention.

The above analysis is in agreement with the analysis and conclusion regarding the same Wilson patent as set forth in the International Preliminary Examination Report.

For the reasons set forth above, it is respectfully submitted that all of the pending claims are in condition for immediate allowance, and such action is solicited.

Respectfully submitted,



Charles B. Elderkin
Registration No. 24,357

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111
#4596312v1

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Non-Fee Amendments, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 13, 2003

Joyce D. Smith